

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF ARKANSAS
RICHARD SHEPPARD ARNOLD UNITED STATES COURTHOUSE
500 W. CAPITOL, ROOM D444
LITTLE ROCK, ARKANSAS 72201-3325
(501) 604-5140
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April 20, 2009

Ms. Angela R. Dodson
Mr. David S. Long
Arkansas State Highway & Transportation Department
Post Office Box 2261
Little Rock, AR 72203-2261

Re: *Gammon v. ASHTD et al.*, 2:07-CV-00148-WRW

Dear Ms. Dodson and Mr. Long:

I have received Defendants' Motion for Summary Judgment (Doc. No. 38) and Plaintiff's response.¹

It appears that Plaintiff is not entitled to any disability retirement because Plaintiff "withdrew all his retirement thereby losing any right to apply for disability retirement."² Additionally, I previously ruled³ that Plaintiff is not entitled to any monetary damages even though Plaintiff continues to make this argument.⁴

However, I would like Defendants to tell me (with appropriate summary judgment evidence in support)⁵ why there is not a genuine issue of material fact in dispute with respect to Plaintiff's claim for injunctive relief. Plaintiff contends that he was wrongfully terminated from employment in violation of federal law.⁶

If they so choose, Defendants may file a reply briefing this issue by 5:00 p.m. on Friday, April 24, 2009. Plaintiff should respond by 5:00 p.m. on Friday, May 1, 2009.

Cordially,

/s/ Wm. R. Wilson, Jr.

Original to the Clerk of the Court
cc: Other Counsel of Record

¹Doc. No. 45.

²Doc. No. 39 (citing Exhibit 2).

³See Doc. No. 19.

⁴See Doc. No. 46.

⁵Defendants simply state "[d]ue to the above facts, Mr. Gammon cannot possibly be entitled to any prospective injunctive relief as there is no evidence of any harm in the past" Doc. No. 46.

⁶Doc. No. 46.